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6 || Attorneys for Plaintiff
United States of America

17 The United States of America, by and through its counsel, Karen P. Hewitt, United States
18 Attorney, and Faith A. Devine, Assistant United States Attorney, hereby files its response to Defendant
19 David C. Jacquot's Motion to Modify the Conditions of Pre-Trial Release.

On August 6, 2008, Defendant filed a motion seeking to modify the conditions of his pre-trial release to allow him to possess firearms. Defendant cites Colombia v. Heller 554 U.S. __, 128 S.Ct. 2783 (2008) which found that a statute barring handguns in the home violated the Second Amendment. The Government has conferred with Pre-Trial Services about Defendant's request to be allowed to possess firearms while on supervised release. Pre-Trial Services' position is that Columbia v. Heller does not apply to this case and that the court is authorized under 18 U.S.C. § 3142(b)(8) to impose as a condition of pre-trial release that defendant not possess firearms. Pre-Trial Services further advised

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1 that this is a standard condition for all defendants who are on supervision and that one of the reasons
2 for imposing the condition is the safety of the Pre-Trial Services Officer. These officers do not carry
3 weapons and are required to visit the residences of defendants on supervised release. For safety reasons,
4 they do not want defendants to be armed. The Government concurs with the position of Pre-Trial
5 Services.

6 DATED: August 29, 2008

Respectfully submitted,

7 KAREN P. HEWITT
8 United States Attorney

9 /S/
10 FAITH A. DEVINE
11 Assistant U.S. Attorney

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) Case No. 08cr1171-W
12 Plaintiff,)
13 v.)
14 DAVID C. JACQUOT.,) CERTIFICATE OF SERVICE
15 Defendant.)
16

17 IT IS HEREBY CERTIFIED THAT:

18 I, Faith A. Devine, am a citizen of the United States and am at least eighteen years of age. My
19 business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

20 I am not a party to the above-entitled action. I have caused service of GOVERNMENT'S
21 RESPONSE TO DEFENDANT'S MOTION TO MODIFY THE CONDITIONS OF PRETRIAL
22 RELEASE on the following party by electronically filing the foregoing with the Clerk of the District
23 Court using its ECF System, which electronically notifies him.

24 David C. Jacquot, Esq. - dave@jacquotlaw.com

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed on August 29, 2008.

27 s/ Faith A. Devine
28 FAITH A. DEVINE